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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,379	04/03/2006	Jurgen Osterlanger	INA-PT176 (4275-18-US)	2302
3624	7590	03/05/2009		
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER BROWN, DREW J	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 03/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,379	Applicant(s) OSTERLANGER ET AL.	
	Examiner DREW J. BROWN	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/30/08 (amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 14-21 is/are allowed.
- 6) ☒ Claim(s) 7-10, 12, 22-27 and 31 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 28-30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7 and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Aubarede et al. (U.S. Pub. No. 2003/0011157).

Aubarede et al. disclose the wheel is mounted on a wheel carrier (3) so that it can pivot via a pivot bearing (10), wherein a pivot plane described by the pivot bearing is arranged at least approximately transverse to a center plane E of the wheel, the pivot bearing has a fixed pivot bearing part (6), which is fixed relative to the wheel carrier, and a pivoting pivot bearing part (7), which can pivot in the pivot plane relative to the fixed pivot bearing part, and the wheel is mounted on the pivoting pivot bearing part so that it can rotate (Figure 2), an electromechanical actuator (50; paragraph 79) is supported on one side relative to the wheel carrier and on an other side engages the pivoting pivot bearing part for pivoting the pivot bearing part (Figure 15), wherein between the fixed pivot bearing part and the pivoting pivot bearing part there is a roller bearing having roller bodies that roll on arc-shaped tracks (paragraph 10). At least one endless roller body channel is provided for the roller bearing in which the roller bodies can circulate endlessly, and the roller body channel has a load section with the arc-shaped tracks, a return section, and two deflection sections connecting the load section to the return section to form an endless circuit (Figure 8). The pivoting pivot bearing part and the fixed pivot bearing part are arranged one inside the other and are provided with the arc-shaped tracks on facing surfaces thereof (Figure 2). One of the two pivot bearing parts is provided with the return sections (Figure 7), head pieces provided with the deflection sections are arranged on opposing ends of the pivot bearing (Figure 8), and wherein the outer fixed or pivoting pivot bearing part is assembled from two longitudinal parts, and the longitudinal axis of the pivot bearing part lies in a dividing plane thereof (Figures 7 and 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubarede et al. in view of Hilzinger (WO 01/73311).

Aubarede et al. disclose a prior art device upon which the claimed invention can be seen as an “improvement.” Hilzinger discloses a prior art electromechanical actuator using a known technique that is applicable to the device of Aubarede, namely, the technique of having an electric motor (18) and a roller body screw drive (Figure 1), with a spindle nut (34) supported on a threaded spindle (28) so that the spindle nut can rotate. Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Hilzinger to the device of Aubarede et al. would have yielded predictable results and resulted in an improved system, namely, a system that would axially move the spindle nut and pivot the pivot bearing part of Aubarede et al. in order to adjust the wheel camber of the vehicle.

The spindle nut comprises a rotor of the electric motor and the threaded spindle is held locked against rotation (Figure 1), wherein the electric motor is mounted on the wheel carrier and the threaded spindle is locked in rotation to the pivoting pivot bearing part and is held so that it cannot move in an axial direction, and rocking movements of the pivoting pivot bearing part relative to the threaded spindle are performed about a rocking axis arranged transverse to the threaded spindle.

5. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubarede et al. in view of Hilzinger, and further in view of Goldberg et al. (U.S. Pat. No. 4,371,191).

Art Unit: 3616

The combination of Aubarede et al. and Hilzinger discloses the claimed invention as discussed above but does not disclose a fail-safe device with which a camber position of the wheel can be detachably locked. Goldberg et al., however, does disclose a fail-safe device with which a camber position of the wheel can be detachably locked (column 12, lines 53-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Aubarede et al. to have the fail-safe device so that if a malfunction occurs, the fail safe system is operated to deactivate the adjusting feature of the suspension to allow the vehicle to behave as a non-adjusting standardly suspended vehicle.

Allowable Subject Matter

6. Claims 1-6 and 14-21 are allowed.
7. Claims 11, 13, 28-30, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

/db/
3/1/09
/Ruth Ilan/
Primary Examiner, Art Unit 3616